

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204
TELEPHONE (916) 561-8200 FAX (916) 263-2560 TOLL FREE 1-800-832-2251
INTERNET <http://www.ptb.ca.gov>
EMAIL cps@dca.ca.gov

May 18, 2005

Citation No. 04-05-0117

Richard Lembo, P.T.A.
3710 West San Jose Ave #204
Fresno CA 93711

License No. AT 6920

CITATION

Investigation of a complaint submitted revealed actions taken by you which violate sections of the law regulating the practice of physical therapy.

A Citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

FIRST CAUSE FOR CITATION

1. *Section 2630 of the Business and Professions Code*

It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

The investigation revealed that you worked as a physical therapist assistant at Sierra Pacific Orthopaedic Center in Fresno, California from September 29, 2002 through November 1, 2004, without a valid California physical therapist assistant license.

SECOND CAUSE FOR CITATION

2. Section 2655.11 of the Business and Professions Code, Use of "P.T.A."

A person holding an approval as a physical therapist assistant issued by the board may use the title, "physical therapist assistant" or "physical therapy assistant" or letters "P.T.A." or any other words, letters or figures that indicate that the person is an approved physical therapist assistant. No other person shall be so designated or shall use the term "physical therapist assistant" or " P.T.A."...

The investigation revealed that you misrepresented yourself as a physical therapist assistant without a valid California physical therapist assistant license.

On February 17, 2005 you were observed by a Department of Consumer Affairs investigator and an physical therapy expert consultant wearing an identification tag that read " Sierra Pacific Orthopaedic Center, A.T.C. P.T.A." On March 9, 2003, May 12, 2003, May 13, 2003, May 17, 2003 and May 19, 2003 you signed medical records with designation of "PTA/ATC" for patient #8.¹

THIRD CAUSE FOR CITATION

1. Title 16, Section 1399 of the California Code of Regulations, Requirements for Use of Aides

A physical therapy aide is an unlicensed person who assists a physical therapist and may be utilized by a physical therapist in his or her practice by performing non-patient related tasks, or by performing patient related tasks...

In an interview with the Department of Consumer Affairs investigator on March 25, 2005, you admitted that you assisted with the supervision of physical therapy aides from September 27, 2002 through February 17, 2005 at Sierra Pacific Orthopaedic Center in Fresno, California.

¹ Numbers are used to identify each patient to protect the patients' privacy. The full name of patient #8 will be provided in disco very.

ORDER

Further, **you are ordered to pay a fine of \$ 2500.00** (\$2000.00 for First Cause, \$200.00 for Second Cause and \$300.00 for Third Cause) to the Physical Therapy Board of California within 30 days after receipt of this Citation.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal -Request for Informal Conference" form and return it to this office within 10 days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within 30 days after receipt of this Citation, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

FAILURE TO RETURN THE REQUEST FOR INFORMAL CONFERENCE FORM OR TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE TIME INDICATED WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO ADMINISTRATIVELY CONTEST OR APPEAL THIS CITATION.

Administrative Fine

\$ 2500.00

FOR YOUR PROTECTION AND TO ASSURE PROPER CREDIT,
PLEASE RETURN THE COPY OF THE CITATION
AND NOTE THE CITATION NUMBER ON YOUR CHECK
OR MONEY ORDER.

May 18, 2005
Date

Original Signed By:
STEVEN K. HARTZELL
Executive Officer



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TO: Physical Therapy Board of California
 1418 Howe Avenue, Suite 16
 Sacramento, CA 95825-3291

NOTICE OF APPEAL REQUEST FOR AN INFORMAL CONFERENCE

Citation Against: _____
 (Print Name)

Citation No.04-05-0117

I hereby acknowledge receipt of the Citation referenced above and notification of my right to contest within ten(10) days of receipt of this Citation. I do hereby contest all or part(s) of the Citation and request an Informal Conference.

For each item of the Citation, I have listed below the part(s) I contest (i.e., violation cited, the order of abatement, the time to correct and/or the administrative fine), and I have placed an "X" in the appropriate boxes.

Cause Number	Violation or Section Cited (X)	Order of Abatement (X)	Time to Correct (X)	Administrative Fine (X)

Signature: _____ Date: _____

Address: _____ Telephone (____) _____



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TO: Physical Therapy Board of California
 1418 Howe Avenue, Suite 16
 Sacramento, CA 95825-3291

NOTICE OF APPEAL REQUEST FOR ADMINISTRATIVE HEARING

Citation Against: _____
 (Print Name)

Citation No.04-05-0117

I hereby acknowledge receipt of the Citation referenced above and notification of my right to contest within thirty(30) days of receipt of this Citation. I do hereby contest all or part(s) of the Citation and request an Informal Conference.

For each item of the Citation, I have listed below the part(s) I contest (i.e., violation cited, the order of abatement, the time to correct and/or the administrative fine), and I have placed an "X" in the appropriate boxes.

Cause Number	Violation or Section Cited (X)	Order of Abatement (X)	Time to Correct (X)	Administrative Fine (X)

Signature: _____ Date: _____

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ORDER OF ABATEMENT

August 5, 2005

Citation Against: Richard Lembo, P.T.A.

Citation No. 04-05-0117

First Cause

Violations: Business and Professions Code Section 2630 .

Description:

It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

Second Cause

Violations: Business and Professions Code Section 2655.11 .

Description:

A person holding an approval as a physical therapist assistant issued by the board may use the title, "physical therapist assistant" or "physical therapy assistant" or letters "P.T.A." or any other words, letters or figures that indicate that the person is an approved physical therapist assistant. No other person shall be so designated or shall use the term "physical therapist assistant" or " P.T.A."...

Third Cause

Violations: Title 16, California Code of Regulation Section 1399 .

Description:

A physical therapy aide is an unlicensed person who assists a physical therapist and may be utilized by a physical therapist in his or her practice by performing non-patient related tasks, or by performing patient related tasks...

Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation.

Failure to comply with the provisions of this Citation and Order of Abatement within 30 days of receipt may result in further legal action.